

BOARD OF SUPERVISORS COUNTY OF TUOLUMNE

December 4, 2012

9:00 a.m.

The Board of Supervisors of the County of Tuolumne, State of California, met in regular session on the foregoing date with Supervisors: Richard H. Pland, Chair, Randell A. Hanvelt, Vice Chair; Elizabeth Bass, Evan Royce, and John L. Gray, being present. Also present were County Administrator Craig L. Pedro; Sarah Carrillo, Acting County Counsel; and Alicia L. Jamar, Chief Deputy Clerk of the Board.

Absent: Supervisor Liz Bass

Chair Pland led the Pledge of Allegiance.

Oral Comm-
Pinecrest Lake
Level

Ron Ringen addressed the Board on Pinecrest Lake levels concerns.

Oral Comm-
RWM

Pete Kampa, General Manager of Tuolumne Utilities District (TUD), addressed the Board on Integrated Regional Water Management (IRWM).

Oral Comm-
Sounds of the
Season

Supervisor Hanvelt addressed the Board and announced the Sounds of the Seasons presented by the Columbia Community College Choir.

Consent Calendar

On motion of Supervisor Gray, seconded by Supervisor Hanvelt, the following items on the Consent Calendar were approved by 4-0 vote with Supervisor Bass being absent.

Minutes

1. Minutes of the meeting held November 6, 2012.

Ordinance
Summary

2. Finding that a summary of Ordinance No 3212, was published on November 9, 2012, in The Union Democrat as required by law.

NOC-Jail Roof
Project

3. Resolution No. 73-12, approving the Notice of Completion for the Jail Roofing Project with Garland/Design Build Solutions, Inc., authorizing the Chair to sign.

First 5-Resig/
NOV

4. Accepting the resignation of Susan Sells from the Tuolumne County First 5 Commission and directing the Clerk of the Board of Supervisors to send a letter of appreciation and post a Notice of Vacancy.

Comm on Aging
Appt./Vac.
File 104.15

5. Approving the appointment of Jim Grinnell to the Tuolumne County Commission on Aging for a term to expire December 31, 2015 and declaring vacancies of Ira Uslander and Ole Lindbo on the Tuolumne County Commission on Aging, and directing the Clerk of the Board of Supervisors to post a Notice of Vacancies and send letters of appreciation.

Oversight Board
Appt.

6. Approving the appointment of Craig Pedro as an alternate to the Oversight Board of the Sonora Redevelopment Agency's Successor Agency.

Agree-Cal Fire
Volunteer Fire
Assist.

Craig Pedro, County Administrator, requested consideration of approving an Agreement between Authorizing TC APCD to with noted changes, authorizing the Chair to sign.

On motion of Supervisor Hanvelt, seconded by Supervisor Gray, the following resolution was adopted by 4-0 vote with Supervisor Bass being absent.

Resolution No. 74-12

Approving an Agreement between Cal Fire and Tuolumne County Fire Department for the distribution of matching grant Volunteer Fire Assistance Program (VFA) funds with noted changes, authorizing the Chair to sign.

Commendation-
Beth Barnes

Steve Boyack, Assistant Director of Human Services Agency, requested consideration of approving a Certificate of Commendation recognizing the retirement of Beth Barnes from Veteran's Services and 35 years of County Service and responded to questions from the Board.

It was moved by Supervisor Gray, seconded by Supervisor Hanvelt, and carried by 4-0 vote with Supervisor Bass being absent, to approve the Certificate of Commendation recognizing the retirement of Beth Barnes from Veteran's Services and 35 years of County Service.

The Chairman presented the Certificate to Ms. Barnes.

Ms. Barnes thanked the Board and staff.

Frank Smart, Mr. Boyack and Mr. Pedro addressed the Board.

Commendation-
Clerk

The Chair announced that the Clerk of the Board was awarded a Certification as Clerk of the Board on November 29, 2012 by the California Clerk of the Board of Supervisors Association.

BOS-Budget
Policy

Craig Pedro, County Administrator, requested consideration of approving amendments to the Board of Supervisors Budget Policies and responded to questions from the Board.

It was moved by Supervisor Gray, seconded by Supervisor Hanvelt, and carried by 4-0 vote with Supervisor Bass being absent, to approve amendments to the Board of Supervisors Budget Policies.

**BOS-Special Mtg
Schedule**

Mr. Pedro requested consideration of approving the cancellation of the Special Board of Supervisor meeting of January 8, 2013 and setting a new Special Board of Supervisors meeting on January 22, 2013.

It was moved by Supervisor Royce, seconded by Supervisor Hanvelt, and carried by 4-0 vote with Supervisor Bass being absent, to approve the the cancellation of the Special Board of Supervisor meeting of January 8, 2013 and setting a new Special Board of Supervisors meeting on January 22, 2013 at 9:00 a.m. in the Board of Supervisors Chambers.

**CIP-#1649
Award CSA #3
Road Repair**

Tanya Allen, Civil Engineer, requested consideration of awarding a contract to perform the work identified in the Bid Book for the CSA #3 2012 Road Repairs, Contract 1649.

Duke York, Deputy Director of Roads for the CRA, responded to questions from the Board.

It was moved by Supervisor Gray, seconded by Supervisor Hanvelt, and carried by 4-0 vote with Supervisor Bass being absent, to reject all bids for the CSA #3 2012 Road Repairs, Contract 1649.

**Ag-Fee
Designation**

Vicki Helmar Agricultural Commissioner/Animal Control Director, requested consideration of authorizing the Tuolumne County Agricultural Commissioner to retain 15% of the State administrative fees collected for commercial weighing and measuring device registration and responded to questions from the Board.

It was moved by Supervisor Hanvelt, seconded by Supervisor Gray, and carried by 4-0 vote with Supervisor Bass being absent, to authorize the Tuolumne County Agricultural Commissioner to retain 15% of the State administrative fees collected for commercial weighing and measuring device registration.

**Fire-Recruit/
Retain Volunteers**

Steve Lawshe, Division Chief Cal Fire, requested consideration of approving the Recruitment and Retention of Volunteers Firefighters Plan and responded to questions from the Board.

Scott Fremd, Chief, Battalion Chief, Training Division, Tuolumne/Calaveras Unit, responded to questions from the Board.

Discussion ensued.

Brian Kirk, County Fire Warden, responded to questions from the Board.

Pat Smith, Volunteer Firefighter and Terry Ayers, Captain, Tuolumne County Fire Department, addressed the Board.

It was moved by Supervisor Gray, seconded by Supervisor Royce, and carried by 4-0 vote with Supervisor Bass being absent, to approve the Recruitment and Retention of Volunteers Firefighters Plan.

Reports-Hanvelt

Supervisor Hanvelt reported that on November 13, 2012, he met with constituents; on November 14th, he attended a Board of Supervisors Planning Committee (BOSPC) meeting, Tuolumne County Real Estate Association luncheon honoring Supervisor Pland and a Habitat for Humanity meeting; on November 15th, he met with Mr. Cope, attended Ethics Training, attended a BOSPC meeting, a Tuolumne County Visitor's Bureau meeting and a COC Awards Ceremony; on November 25-30th, he attended California State Association of Counties (CSAC) in Long Beach; on December 1st he attending a grand opening of Automation, met with Mr. Cope and attended a Christmas party; and on December 3rd, he attended a Governmental Affairs Council (GAC) meeting.

Reports-Royce

Supervisor Royce reported that on November 15, 2012, he attended the Planning Committee/Commission Task Force meeting; on November 20th he met with Supervisor Elect Rodefer; on November 21st he held office hours in Me-Wuk; and on November 28th-30th, attended CSAC in Long Beach, California.

Reports-Gray

Supervisor Gray reported that on November 14, 2012, he attended the Tuolumne County Transportation Council (TCTC) meeting and the BOSPC meeting; on November 15th, he attended the Grey Water Conference at Evergreen Lodge; on November 26-30th, he attended the CSAC Conference in Long Beach, California.

Reports-Pland

Supervisor Pland reported that on November 14, 2012, he attended the TCTC meeting; and on November 26-30th, he attended the CSAC Conference in Long Beach, California.

Reports-Pedro

Mr. Pedro reported that on November 26-30, 2012, he attended the CSAC Conference in Long Beach, California.

Reports-County Counsel

Sarah Carrillo, Deputy County Counsel, reported on the various in house trainings held and upcoming trainings by the Office of the County Counsel.

Reports-Clerk

Alicia Jamar, Chief Deputy Clerk of the Board, reported that on November 26-30, 2012, she attended the CSAC Conference in Long Beach, California.

The Board recessed at 10:27 a.m. and reconvened at 10:37 a.m.

Public hearing was declared open to consider amending Chapter 3.40 of the Tuolumne County Ordinance Code by adding fees for Legal Description Review, Parcel Map Waiver, and Variance to §3.40.020(P) and providing waivers of fees for applications to rescind, amend, or revise an approved land development entitlement in §3.40.040.

Beverly Shane, Community Resource Agency Director, presented the staff report and responded to questions from the Board.

Mr. Pedro addressed the Board.

Marilyn Fitzsimmons, Deputy County Surveyor and Mr. Pedro responded to questions from the Board.

No one wished to speak, the public hearing was declared closed.

It was moved by Supervisor Gray, seconded by Supervisor Royce, and carried by 4-0 vote with Supervisor Bass being absent, to adopt the following ordinance, finding that it is consistent with the Tuolumne County General Plan, in accordance with the Tuolumne County Ordinance Code; in accordance with State laws regarding fees for processing land development applications; and not subject to review under the California Environmental Quality Act (CEQA) pursuant to § 15378(b)(4) of the State CEQA Guidelines.

Ordinance No. 3213

Amending Chapter 3.40 of the Tuolumne County Ordinance Code by adding fees for legal description review, parcel map waiver, and variance in § 3.40.01(P), adding a new § 3.40.040(f) to establish waivers of fees for applications to rescind, amend, or revise approved land development entitlements, and add a new § 3.40.040(G) to establish a 50% waiver of the fee under § 3.40.010(P)(35) when an application for a variance is submitted concurrently with an application ofr a tentative variance is submitted concurrently with an application for a tentative parcel or tentative subdivision map.

The Board recessed at 10:54 a.m. and reconvened at 11:30 a.m.

Tracie Riggs, Administrative Analyst requested consideration of approving the updated Multi-Jurisdictional Hazard Mitigation Plan, and responded to questions from the Board.

It was moved by Supervisor Hanvelt and seconded by Supervisor Royce, to adopt the following resolution.

Resolution No. 74a-12

Updated Multi-Jurisdictional Hazard Mitigation Plan.

Bob Newman, Category Five, responded to questions from the Board.

Motion carried by 4-0 vote with Supervisor Bass being absent.

The Board recessed at 11:36 a.m. and reconvened at 1:30 p.m. with Supervisor Bass being present.

Solid Waste
Fees-Cal Sierra
Transfer

Public hearing was declared open to consider establishing rates for disposal of solid waste at the Cal Sierra Transfer Station, the Pinecrest Transfer Station and the Cal Sierra Earth Resource Facility including an increase of 1.74% on the tipping fee for Franchisee and Permittees, increases in other disposal fees at the Cal Sierra Transfer Station ranging from 2.11% to 10%, increases in disposal fees at the Pinecrest Transfer Station ranging from \$2.50 to \$4.00, increases in disposal fees at the Earth Resource Facility ranging from \$1.00 to \$5.00 and raising the minimum charge from 1/2 cubic yard to 1 cubic yard.

Belinda Barlow, Solid Waste Manager, presented the staff report and responded to questions from the Board.

Carlyn Drivdahl, Deputy County Counsel and Deborah Bautista, County Clerk and Auditor-Controller, responded to questions from the Board .

Robert Diestel spoke in opposition.

No one wished to speak, the public hearing was declared closed.

Tom Teach, District Manager, Cal Sierra Waste Management, responded to questions from the Board.

Ms. Jamar responded to questions from the Board on the Board calendar.

Discussion ensued.

It was moved by Supervisor Royce and seconded by Supervisor Hanvelt, to continue the matter to December 18, 2012 to 9:30 a.m in the Board of Supervisors Chambers.

Tom Sanchez of Cal Sierra responded to questions from the Board.

Discussion ensued.

Motion failed by 2-3 vote with Supervisors Bass, Gray and Pland dissenting.

It was moved by Supervisor Gray and seconded by Supervisor Bass, to adopt the following resolution and continue the Cal Sierra Earth Resource Facility portion on December 18, 2012 at 9:30 a.m. in the Board of Supervisors Chambers.

Resolution No. 75-12

Rescinding Resolution 106-10 and establishing rates for disposal of solid waste at the **Cal Sierra Transfer Station**, and the **Pinecrest Transfer Station** including an increase of 1.74% on the tipping fee for Franchisee and Permittees, increases in other disposal fees at the Cal Sierra Transfer Station ranging from 2.11% to 10%, increases in disposal fees at the Pinecrest Transfer Station ranging from \$2.50 to \$4.00.

Discussion ensued.

Mr. Diestel addressed the Board.

Ms. Drivdahl responded to questions from the Board.

Motion carried by 3-2 vote with Supervisors Hanvelt and Royce dissenting.

Solid Waste
Fees-Cal Sierra
Disposal/Burns
Refuse Serv/
Moore Bros.

Public hearing was declared open to consider: **1)** establishing rates for collection of solid waste in Franchise Areas 1 and 2 for Cal Sierra Disposal, Inc. pursuant to Section 7.28.030 of the Tuolumne County Ordinance Code including a 2.64% increase in response to the consumer price index, a pass through of the increase in the franchise and permitted hauler tipping fee at the Cal Sierra Transfer Station of \$0.45 to residential and commercial cart and bin rates and a \$1.55 per ton increase on roll-off container rate and an increase in the pre-paid bag rate from \$7.00 to \$7.25; **2)** establishing rates for collection of solid waste in Franchise Area 3 for Burns Refuse Service, Inc. pursuant to Section 7.28.030 of the Tuolumne County Ordinance Code including a 2.64% increase in response to the consumer price index, a 1.5 % pass through on the rates affected by the 1.74% increase in the Franchisee and Permittee tipping fees at the Cal Sierra Transfer Station, an increase in the extra container rates ranging from \$0.99 to \$2.27, and establishing new rates for commercial commingled recycling bin service; and **3)** establishing rates for collection of solid waste in Franchise Area 4 for Moore Bros. Scavenger Co., Inc. pursuant to Section 7.28.030 of the Tuolumne County Ordinance Code including a 2.64% increase in response to the consumer price index, an increase in the pre-paid bag rate from \$6.00 to \$6.25 and a correction of a clerical error.

No one wished to speak, the public hearing was declared closed.

On motion of Supervisor Gray, seconded by Supervisor Bass, the following resolutions were adopted by 3-2 vote with Supervisors Hanvelt and Royce dissenting.

Resolution No. 76-12

Establishing rates for collection of solid waste in Franchise Areas 1 and 2 for **Cal Sierra Disposal, Inc.** pursuant to Section 7.28.030 of the Tuolumne County Ordinance Code including a 2.64% increase in response to the consumer price index, a pass through of the increase in the franchise and permitted hauler tipping fee at the Cal Sierra Transfer Station of \$0.45 to residential and commercial cart and bin rates and a \$1.55 per ton increase on roll-off container rate and an increase in the pre-paid bag rate from \$7.00 to \$7.25.

Resolution No. 77-12

Establishing rates for collection of solid waste in Franchise Area 3 for **Burns Refuse Service, Inc.** pursuant to Section 7.28.030 of the Tuolumne County Ordinance Code including a 2.64% increase in response to the consumer price index, a 1.5 % pass through on the rates affected by the 1.74% increase in the Franchisee and Permittee tipping fees at the Cal Sierra Transfer Station, an increase in the extra container rates ranging from \$0.99 to \$2.27, and establishing new rates for commercial commingled recycling bin service.

Resolution No. 78-12

Establishing rates for collection of solid waste in Franchise Area 4 for **Moore Bros. Scavenger Co., Inc.** pursuant to Section 7.28.030 of the Tuolumne County Ordinance Code including a 2.64% increase in response to the consumer price index, an increase in the pre-paid bag rate from \$6.00 to \$6.25 and a correction of a clerical error.

CRA-BRRG

Public hearing was declared open to consider adopting the Tuolumne County Biological Resources Review Guide (BRRG) to provide an optional program to mitigate impacts to biological resources from land development projects, including an oak woodland mitigation program.

Mike Laird, Deputy Director of Planning, presented the staff report and responded to questions from the Board.

The Chair announced that he will be asking people to address the Board with their concerns and he will hold an open public hearing with no designated speaking categories.

Dale Kaiser and Pete Jelito addressed the Board.

John Buckley of Central Sierra Environmental Resource Center, spoke in opposition and responded to questions from the Board.

Tom Parrington addressed the Board.

The Board recessed at 3:31 p.m. and reconvened at 3:38 p.m.

Jim Todd, Tim Tomlinson, Diane Moore, Carrie Haughy, Don Wilson, Pedro Lizaaur, Sharon Marovich, Ron Kopf, Mark Banks, Jeff Sargo, Jim Maddox and Jim Phalen addressed the Board.

The Chair announced the matter will be continued to December 18, 2012 at 2:00 p.m. in the Board of Supervisors Chambers.

Ms. Shane and Mr. Pedro addressed the Board.


The Chair adjourned the meeting at 4:30 p.m. to the next regular meeting scheduled for December 18, 2012, at 9:00 a.m.

APPROVED:



RANDELL A. HANVELT, CHAIR

ATTEST:



Alicia L. Jamar, Chief Deputy
Clerk of the Board of Supervisors

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